

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2015-cv-76-bbc

LINDSI E. HAGEN, NATIONAL
COLLEGIATE STUDENT LOAN
TRUST 2006-2, NATIONAL COLLEGIATE
STUDENTLOAN TRUST 2007-2,
NATIONAL COLLEGIATE STUDENT
LOAN TRUST 2005-1, PRESTON SALES
& SERVICE, and MILE BLUFF CLINIC,
LLP,

Defendants.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above-captioned matter having come before the Court to be heard, Honorable Barbara B. Crabb, United States District Judge for the Western District of Wisconsin, presiding without a jury, on June 17, 2015, the Plaintiff, United States of America ("Plaintiff"), having appeared by its attorney, the Office of the United States Attorney for the Western District of Wisconsin, and no appearance having been made on behalf of the Defendant herein except as may be noted on the record; and it appearing by the Declaration of Barbara L. Oswald, Assistant United States Attorney, Office of the United States Attorney, on file herein, that Defendant is in default; and it further appearing that due notice of the Application for Judgment by Default has been

made to the Defendant, and that a Certificate of Service was filed with the Clerk of the United States District Court for the Western District of Wisconsin; and the Court having heard arguments from Plaintiff's counsel, therefore makes and files the following Findings of Fact and Conclusions of Law constituting its decision in this action.

FINDINGS OF FACT

1. The allegations set forth in Plaintiff's complaint are proven true.
2. There is now due and unpaid on all Notes and Mortgages as of June 17, 2015, the following sums: See Attachment A.
3. No proceedings have been had at law or otherwise for the recovery of the sum secured by said Notes and Mortgages.
4. The mortgaged premises are described as follows:

A part of the West One-Half of the Northwest Quarter (W1/2-NW1/4) of Section Twenty-Seven (27), Township Fifteen (15) North, Range Three (3) East, Town of Lindina, Juneau County, Wisconsin; Commencing at the Northwest corner of said Section Twenty-Seven (27); thence along a line bearing South 38°39'30" East, 524.13 feet to a point in the centerline of a town road known as Cheese Factory Road, being the point of beginning; thence along the centerline of Cheese Factory Road bearing South 37°48'00" East, 399.04 feet; thence continued along the centerline of Cheese Factory Road now bearing South 38°08'20" East, 195.71 feet; thence continued along the centerline of Cheese Factory Road on a variable radius curve to the left, its chord bearing South 48°57'45" East, 297.38 feet; thence continued along the centerline of Cheese Factory Road now bearing South 57°20'40" East, 504.21 feet, to a point in the centerline of County Highway "G"; thence along the centerline of County Highway "G" on a variable radius curve to the left, its chord bearing South 67°40'00" West, 132.13 feet; thence along a line bearing North 63°28'50" West, 553.52 feet; thence bearing South 66°33'55" West, 176.96 feet; thence bearing South 74°05'20" West, 255.26 feet; thence bearing South 47°02'00" West, 27.48 feet; thence bearing North 01°59'10" East, 899.31 feet, to the point of beginning; EXCEPT Lot One (1) of Certified Survey Map No. 3653 recorded in Volume 16 of Surveys, Page 38 as Document No 649523, in the

Northwest Quarter of the Northwest Quarter (NW-NW) and part of the Southwest Quarter of the Northwest Quarter (SW-NW) of Section Twenty-Seven (27), Township Fifteen (15) North, Range Three (3) East, Town of Lindina, Juneau County, Wisconsin.

5. The real estate is so situated that it cannot be sold in parcels without injury to the interest of the parties, and a sale of the whole will be more beneficial to the parties hereto.

6. Notice of the pendency of this action was duly given on February 11, 2015, after the filing of the Complaint herein, by filing a Notice of Lis Pendens in the office of the Register of Deeds for Juneau County, Wisconsin. This was done in the manner and form required by law, after the filing of the complaint herein, and more than twenty (20) days prior to the trial or other resolution of this action.

7. The Defendants have not served an Answer or other response and the Clerk of Court has duly entered the default of said Defendants.

CONCLUSIONS OF LAW

1. Plaintiff is entitled to judgment of foreclosure and sale of the mortgaged premises in the usual form, as requested in Plaintiff's Complaint, and in accordance with the above Findings of Fact.

2. Plaintiff is entitled to recover from the Defendants the following sum: See Attachment A.

3. The Defendants subsequent to the filing of the notice of the pendency of this action be and hereby are forever barred and foreclosed of all right, title, interest, claim and equity of redemption in the mortgaged premises.

4. The mortgaged premises shall be sold as a whole.
5. That if necessary to secure possession of the premises, the Clerk of Court, upon application by Plaintiff, shall issue a Writ of Assistance.
6. The Defendants shall not be granted a right of redemption.
7. Sale of the premises shall be conducted by or under the direction of the United States Marshal for the Western District of Wisconsin. Notice of the sale shall be made by publication in The Juneau County Star Times, the newspaper published in the City of Mauston, Juneau County, Wisconsin.
8. Proceeds from the sale of the subject premises shall be paid first to satisfy Defendant's debt to the United States as set forth in Attachment A, plus necessary costs and disbursements.
9. Any remaining proceeds from the sale of the subject premises shall be subject to further order of the Court.
10. Deficiency judgment is not being sought in this action.

Now, on application of Plaintiff United States of America,

IT IS THEREFORE ORDERED that foreclosure of said mortgage in the usual form as provided by and in accordance with the above Findings of Fact and Conclusions of Law be entered in this action.

Dated this 17th day of June, 2015.

BY THE COURT:

Barbara B. Crabb
BARBARA B. CRABB
United States District Judge

United States v. Linds E. Hagen, et al.

Case No. 15-cv-76-bbc

ATTACHMENT A

Notes and Mortgages

a.	Principal as of June 17, 2015	\$ 214,490.67
b.	Interest as of June 17, 2015	<u>\$ 63,482.89</u>
	Total as of June 17, 2015	<u>\$ 277,973.56</u>

Costs and Disbursements

c.	Filing of Notice of Lis Pendens	\$ 30.00
	Total Costs & Disbursements	<u>\$ 30.00</u>

TOTAL AS OF JUNE 17, 2015 **\$ 278,003.56**